

1 RAOUL D. KENNEDY (STATE BAR NO. 40892)
Raoul.Kennedy@skadden.com
2 RICHARD S. HORVATH, JR. (STATE BAR NO. 254681)
Richard.Horvath@skadden.com
3 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
525 University Avenue, Suite 1100
4 Palo Alto, California 94301
Telephone: (650) 470-4500
Facsimile: (650) 470-4570
5
6 PAUL M. ECKLES (STATE BAR NO. 181156)
Paul.Eckles@skadden.com
7 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
4 Times Square
8 New York, New York 10036
Telephone: (212) 735-3000
9 Facsimile: (212) 735-2000

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

4 ANDREAS ALBECK, Individually and on) CASE NO. 3:11-CV-04110-EMC
5 Behalf of All Others Similarly Situated,)
6 Plaintiff,)
7 vs.)
8 APPLE INC.; HACHETTE BOOK GROUP,) STIPULATION AND [PROPOSED]
9 INC.; HARPERCOLLINS PUBLISHERS,) ORDER TO EXTEND TIME TO
0 INC.; MACMILLAN PUBLISHERS, INC.;) RESPOND TO COMPLAINT
1 PENGUIN GROUP (USA) INC.; and SIMON)
2 & SCHUSTER, INC.,)
3 Defendants.)

**STIPULATION AND [PROPOSED] ORDER
TO EXTEND TIME TO RESPOND TO COMPLAINT**

3 WHEREAS, there have been multiple actions related to this case filed in both the
4 Northern District of California and the Southern District of New York (the “Actions”);

5 WHEREAS, the Court has entered an order in one of the related actions, *Petru, et*
6 *al. v. Apple, Inc., et al.* (11-cv-3892 N.D. Cal.) (the "Petru Action"), to extend the time to answer,
7 move or otherwise respond to the complaint until December 15, 2011, without prejudice to the
8 right of any party to seek a further adjustment to the schedule;

9 WHEREAS, for efficiency and convenience of the parties, defendants Hachette
10 Book Group, Inc., HarperCollins Publishers L.L.C. (incorrectly sued as “HarperCollins Publishers,
11 Inc.”), Holtzbrinck Publishers, LLC d/b/a Macmillan (incorrectly sued as “Macmillan Publishers,
12 Inc.”), Penguin Group (USA) Inc., Simon & Schuster, Inc., and Apple, Inc. (collectively,
13 “Defendants”) have agreed to waive the service of summons and complaint pursuant to Fed. R.
14 Civ. P. 4(d);

15 WHEREAS, the parties have agreed that the response date in this action should not
16 come prior to the response date in the *Petru* Action;

17 WHEREAS, Plaintiff agrees that submission of this Stipulation should be without
18 prejudice to any defense of Defendants;

19 WHEREAS, there have been no other modifications to Defendants' time to answer,
20 move or otherwise respond to the complaint in this action;

WHEREAS, this stipulation to extend the time within which Defendants have to answer, move or otherwise respond to the complaint in this action will not alter the date of any event or any deadline already fixed by Court order;

24 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
25 between Plaintiff and Defendants, as follows:

26 1. Defendants hereby agree to accept service of the summons and complaint in
27 the above-captioned action;

1 2. Pursuant to Civil Local Rules 6-1, 6-2, and 7-12 Defendants' time to answer,
2 move or otherwise respond to the complaint is hereby extended to December 15, 2011, without
3 prejudice to the right of any party to seek a further adjustment to the response date based on future
4 developments;

5 3. If any of the Defendants that is a party to this Stipulation responds to a
6 complaint in any of the Actions prior to the time provided in this Stipulation, Defendants will
7 respond to the complaint in this action at the same time;

8 4. No defense of Defendants is prejudiced or waived by its submission of this
9 Stipulation; and

10 5. Defense counsel may file notices of appearance in this action without
11 prejudice to their respective clients' jurisdictional or venue defenses.

12 | DATED: November 1, 2011

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: _____ /s/ Raoul D. Kennedy
RAOUL D. KENNEDY

525 University Ave., Suite 1100
Palo Alto, California 94301
Telephone: (650) 470-4500
Facsimile: (650) 470-4570

Attorneys for Specially Appearing Defendant
HARPERCOLLINS PUBLISHERS L.L.C.

20 I, Raoul D. Kennedy, am the ECF User whose ID and password are being used to file this
21 Stipulation and [Proposed] Order to Extend Time To Respond To Complaint. In compliance with
General Order 45, X.B., I attest that each of the following signatories has concurred in this filing.

SHEARMAN & STERLING LLP

By: _____ /s/ James Donato
JAMES DONATO

Four Embarcadero Center, Suite 3800
San Francisco, California 94111
Telephone: (415) 616-1100
Facsimile: (415) 616-1199

Attorneys for Specially Appearing Defendant
HACHETTE BOOK GROUP, INC.

1 SIDLEY AUSTIN LLP
2

3 By: _____ /s/ Samuel R. Miller
4 SAMUEL R. MILLER

5 555 California Street
6 San Francisco, California 94104
7 Telephone: (415) 772-1200
8 Facsimile: (415) 772-7400

9 Attorneys for Specially Appearing Defendant
10 HOLTZBRINCK PUBLISHERS, LLC
11 D/B/A MACMILLAN

12 AKIN GUMP STRAUSS HAUER & FELD LLP
13

14 By: _____ /s/ Reginald D. Steer
15 REGINALD D. STEER

16 580 California Street, Suite 1500
17 San Francisco, California 94104-1036
18 Telephone: (415) 765-9520
19 Facsimile: (415) 765-9501

20 Attorneys for Specially Appearing Defendant
21 PENGUIN GROUP (USA) INC.
22

WEIL, GOTSHAL & MANGES LLP
23

24 By: _____ /s/ Gregory D. Hull
25 GREGORY D. HULL

26 201 Redwood Shores Parkway
27 Redwood Shores, California 94065
28 Telephone: (650) 802-3000
Facsimile: (650) 802-3100

Attorneys for Specially Appearing Defendant
SIMON & SCHUSTER, INC.

1 GIBSON, DUNN & CRUTCHER LLP
2

3 By: _____ /s/ Daniel S. Floyd
4 DANIEL S. FLOYD

5 333 South Grand Avenue
6 Los Angeles, CA 90071-3197
Telephone: (213) 229-7148
Facsimile: (213) 229-7520

7 Attorneys for Specially Appearing Defendant
8 APPLE INC.

9 KELLER GROVER LLP
10

11 By: _____ /s/ Jade Butman
JADE BUTMAN

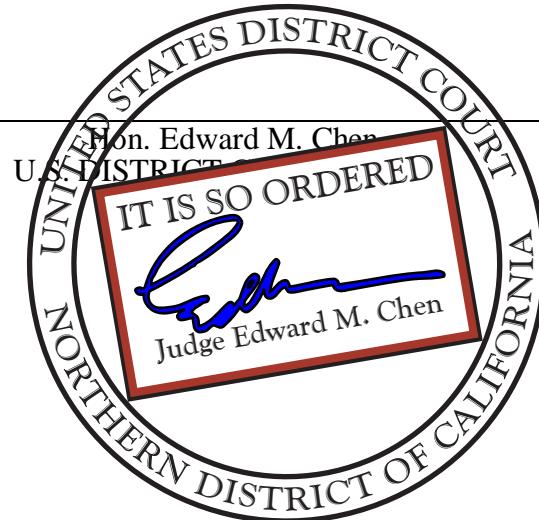
12 1965 Market Street
13 San Francisco, CA 94103
Telephone: (415) 543-1305
Facsimile: (415) 543-7861

14 Attorneys for Plaintiff
15 ANDREAS ALBECK

16 PURSUANT TO STIPULATION, IT IS SO ORDERED.

17 Dated: 11/2, 2011

18 By: _____



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